

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA,

v.

JEREMY ALAN FURLONG

§
§
§
§
§
§
§

CASE NUMBER 6:09-CR-00124-RC

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On February 28, 2017, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Jeremy Alan Furlong. The government was represented by Jim Middleton, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Wayne Dickey, Federal Public Defender.

Defendant originally pled guilty to the offense of Conspiracy to Possess with Intent to Distribute Methamphetamine, a Class C felony. The offense carried a statutory maximum imprisonment term of 20 years. The United States Sentencing Guideline range, based on a total offense level of 27 and a criminal history category of III, was 87 to 108 months. On September 23, 2010, District Judge Michael Schneider sentenced Defendant to 104 months imprisonment followed by 3 years of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, and a \$100 mandatory special assessment. The Court granted a motion for sentence reduction on December 18, 2014, and reduced the sentence to 70 months imprisonment. On October 30, 2015, Defendant completed the term of imprisonment and began his term of supervised release. The term of

supervised release was revoked on February 2, 2016, and Defendant was sentenced to 6 months imprisonment with 30 months of supervised release to follow. Defendant's new term of supervised release commenced on June 20, 2016.

Under the terms of supervised release, Defendant was required to refrain from committing another federal, state, or local crime, leaving the judicial district without permission of the Court or probation officer, and excessive use of alcohol. In its petition, the government alleges that Defendant violated his conditions of supervised release by being arrested for public intoxication on December 21, 2016, leaving the judicial district without permission on two separate occasions, and excessive use of alcohol.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by being arrested for public intoxication on December 21, 2016, leaving the judicial district without permission on two separate occasions, or excessive use of alcohol, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade C violation is 5 to 11 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the acts as alleged in the government's petition. In exchange, the government agreed to recommend to the Court a sentence of 5 months with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Jeremy Alan Furlong be committed to the custody of the Bureau of Prisons for a term

of imprisonment of 5 months with no supervised release to follow. The Court **FURTHER RECOMMENDS** that the place of confinement be Pollock, Louisiana to facilitate family visitation.

So ORDERED and SIGNED this 1st day of March, 2017.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE